

Message Text

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ACTION L-03

INFO OCT-01 ARA-10 ISO-00 JUSE-00 /014 W
----- 080570

R 301949Z JUL 76
FM AMEMBASSY CARACAS
TO SECSTATE WASHDC 4165

UNCLAS SECTION 1 OF 2 CARACAS 9243

ATTENTION: L/M S. WHILDEN

E.O. 11652: N/A

TAGS: ASAF, APER, VE

SUBJECT: MARACAIBO TRAFFIC ACCIDENT

REF: STATE 183159

1. THERE FOLLOWS THE ENGLISH TRANSLATION OF THE RELEASE OR SETTLEMENT DOCUMENT WHICH WAS SIGNED BY DR. CALILO GRACIA GARCIA, LAWYER, WHO ENJOYS FULL POWER OF ATTORNEY FROM CLAIMANT DOMENICO STACCHIOTTI.

2. " I, CALILO GRACIA GARCIA, A PRACTISING ATTORNEY AT LAW, DOMICILED IN MARACAY, STATE OF ARAGUA, AND HERE IN TRANSIT, REGISTERED AT IMPREABOGADO ("LAWYER'S SOCIAL INSTITUTE) UNDER NO. 1751, ACTING IN MY CHARACTER OF SPECIAL ATTORNEY OF MR. DOMENICO STACCHIOTTI DI FELICE, OF LEGAL AGE, DOMICILED IN THE CITY OF LA VICTORIA, STATE OF ARAGUA, BEARER OF IDENTITY CARD NO. E-650781, AS EVIDENCED BY POWER OF ATTORNEY HE GRANTED ME ON DATE OF 25TH OF JULY 1975 BEFORE THE NOTARY PUBLIC'S OFFICE OF MARACAY, STATE OF ARAGUA, RECORDED UNDER NO. 61, VOLUME 10 OF THE BOOKS OF REGISTRY OF POWERS OF ATTORNEY OF SAID NOTARY'S OFFICE, IN VIEW OF THE FACT THAT I AM EXPRESSLY EMPOWERED TO DO SO, BY MEANS OF THE PRESENT DOCUMENT, DECLARE: THAT I HAVE RECEIVED FROM COMPANIA DE SEGUROS SAINT PAUL DE VENEZUELA, C.A., A CORPORATION DULY REGISTERED AT THE MERCANTILE REGISTRY OF THE JUDICIAL CIRCUMSCRIPTION OF THE FEDERAL DISTRICT AND STATE OF MIRANDA, ON 18TH APRIL 1966, UNDER NO. 42, VOLUME 25-A, THE AMOUNT OF THIRTY-SIX THOUSAND TWO HUNDRED AND EIGHTY BOLIVARS (BS. 36,280.00), BY MEANS
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OF CHECK NO. 24420, ISSUED IN MY NAME AGAINST THE FIRST NATIONAL

CITY BANK, CARACAS, BRANCH.-THE MENTIONED AMOUNT IS RECEIVED FOR THE ACCOUNT OF MY PRINCIPAL FOR THE FOLLOWING CONCEPTS: FIRST: THE SUM OF THIRTY THOUSAND BOLIVARS (BS.30,000.00) AS AN INDEMNITY FOR DAMAGES SUFFERED IN THE PERSON OF MY PRINCIPAL WHICH CONSISTED OF SERIOUS PERSONAL INJURIES.- SECOND: THE SUM OF SIX THOUSAND TWO HUNDRED AND EIGHTY BOLIVARS (BS.6,280.00) AS INDEMNITY FOR THE MATERIAL DAMAGES SUFFERED BY THE VEHICLE PROPERTY OF MY PRINCIPAL, WHICH IS IDENTIFIED BELOW AND WHICH CONSISTED OF CRASHED FRONT BUMPER, HOOD, CHASSIS, ROOF, HEADBOARD, LEFT FRONT DOOR, LEFT MUD GUARDS, STEERING WHEEL, GRILLE, FRON WINDSHIELD, FRONT HEADLIGHTS, LEFT WINDOWS, RADIATOR, LEFT FRONT TIRE WHICH WAS BLOWN UP AND USELESS. ALL OF WHICH AS A CONSEQUENCE OF THE TRANSIT ACCIDENT WHICH OCCURRED ON DATE OF 21ST DECEMBER 1973, AT APPROXIMATELY 4:30 P.M., ON THE PUNTO FIJO-CORO HIGHWAY, AT THE PUNTO FIJO VIA SANTA ANA SECTION, AT THE PLACE CALLED VIA COSETO, AT THE HEIGHT OF KILOMETER 84, JURISDICTION OF THE SANTA ANA MUNICIPALITY, CARIRUBANA DISTRICT, STATE OF FALCON, WHERE THE CHEVROLET MAKE, PRIVATE, 1967 MODEL, WHITE AND YELLOW COLOR VEHICLE, WITH MOTOR SERIAL NO. VB57-243378, BODY SERIAL NO. VB-57-243378, LICENCE PLATES NO. 182668, DRIVEN AT THE TIME OF THE ACCIDENT BY ITS OWNER, MY PRINCIPAL, DOMENICO STACCHIOTTI DI FELICE, AS IDENTIFIED ABOVE, BOLLIDED WITH THE INTERNATIONAL MAKE, PRIVATE, STATION WAGON, BLUE, 1970 MODEL VEHICLE, MOTOR SERIAL NO. 215590-4R3, BODY SERIAL NO. 31310H052 970, PLATES NO. 15700, VEHICLE DRIVEN AT THE TIME OF THE ACCIDENT BY CITIZEN MAX RAMON UZCATEGUI, OF LEGAL AGE, DOMICILED IN MARACAIBO, STATE OF ZULIA, AND WHICH IS OWNED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA. THIS PAYMENT RYICH I HEREBY RECEIVE ON BEHALF OF MY PRINCIPAL HAS BEEN MADE BY VIRTUE OF THE CHARACTER OF GUARANTOR OF SEGUROS SAINT PAUL DE VENEZUELA, C.A. OF THE ALREADY IDENTIFIED VEHICLE, PLATES NO. 15700, AS PER THIRD PARTY LIABILITY INSURANCE POLICY NO. ARC-13122, THE LIMITS OF WHICH ARE BS 20,000.00 FOR DAMAGES TO PROPERTY AND OF BS. 30,000.00 FOR DAMAGES TO PERSON

I, LIKEWISE, HEREBY DECLARE THAT BY MEANS OF THE PAYMENT I HEREBY RECEIVE TO MY FULL AND COMPLETE SATISFACTION, I HEREBY WAIVE IN THE NAME AND STEAD OF MY PRINCIPAL, AS I FORMALLY DO IN THIS ACT, ANY CIVIL ACTION WHICH HE MAY BE EN-UNCLASSIFIED

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TITLED TO EXERCISE NOW OR IN THZHFUTURE, AS WELL AS ANY OUT-OF-COURT SETTLEMENT OR CLAIM AGAINST SEGUROS SAINT PAUL DE VENEZUELA, C.A., IN ITS CHARACTER AS SOETED ABOVE, SINCE THE RELEASE THAT I AM HEREBY GRANTING IN FAVOR OF THE ASSURER IS FINAL, ABSOLUTE AND COMPLETE. ON THE OTHER HAND, AND IN VIEW OF THE FACT THAT I AM ALSO EMPOWERED THEREFOR AND THAT I

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ACTION L-03

INFO OCT-01 ARA-10 ISO-00 JUSE-00 /014 W

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R 301949Z JUL 76

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 4166

UNCLAS SECTION 2 OF 2 CARACAS 9243

ATTENTION: L/M S. WHILDEN

HAVE RECEIVED EXPRESS INSTRUCTIONS OF MY PRINCIPAL, I AGREE TO DESIST FROM BOTH THE ACTION AND THE PROCEDURE OF THE LAWSUIT IN PROCESS BEFORE THE COURT OF FIRST INSTANCE IN TRANSIT MATTERS OF THE JUDICIAL CIRCUMSCRIPTION OF THE STATE OF ZULIA, BROUGHT BY MY PRINCIPAL AGAINST MR. MAX RAMON UZCATEGUI AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA, BY REASONS OF THE SAME TRAFFIC ACCIDENT MENTIONED HERE, WHIEL RESERVING THE RIGHT TO CONTINUE THE AMICABLE CLAIM WHICH I HAVE AT PRESENT AGAINST THE SAME GOVERNMENT OF THE UNITED STATES OF AMERICA.- CARACAS, -- FEBRUARY NINETEEN HUNDRED AND SEVENTY-SIX.- ILLEGIBLE SIGNATURE. (BELOW THAT THERE APPEARS THE FOLLOWING:) SEVENTH NOTARY PUBLIC'S OFFICE OF CARACAS. CARACAS, TWELFTH (12TH) OF FEBRUARY NINETEEN HUNDRED AND SEVENTY-SIX.- 166TH AND 117TH. THE ABOVE DOCUMENT, DRAWN UP BY ATTORNEY DR. JUAN I. BUSTAMANTE P., WAS SUBMITTED FOR AUTHENTICATION AND RETURN. FOUND IN ACCORDANCE TO LAW AND ITS GRANTOR BEING PRESENT HE SAID TO BE CALLED: CALILO GRACIA GARCIA, OF LEGAL AGE, BEARER OF IDENTITY CARD NO. 881388. THE DOCUMENT HAVING BEEN READ TO HIM HE STATED" "ITS CONTENT IS TRUE AND MINE THE SIGNATURE GRANTING SAME". BY SUCH VIRTUE, THE NOTARY'S OFFICE DECLARES IT AUTHENTICATED IN THE PRESENCE OF WITNESSES: PICENA RIOS E. AND JOSE DANIEL PERDOMO, OF LEGAL AGE, HAVING RECORDED SAME UNDER NO. 83, VOLUME 60 OF THE BOOKS OF AUTHENTICATIONS KEPT BY THIS NOTARY'S OFFICE. THE NOTARY, (ILLEGIBLE SIGNATURE). THE GRANTOR, (ILEGIBLE SIGNATURE). THE WITNESSES: (ILLEGIBLE SIGNATURES)"

3. THE ABOVE IS A TRUE TRANSLATION MADE BY ARLETTE MEYER, A REGISTERED AND PUBLIC INTERPRETER IN AND FOR THE REPUBLIC OF
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VENEZUELA.

4. THE ABOVE SETTLEMENT DOCUMENT RELIEVES THE INSURANCE CARRIER AS WELL AS THE UNITED STATES GOVERNMENT FROM ANY FURTHER LEGAL SUIT. IT ALSO RELIEVES THE INSURANCE COMPANY FROM ANY FURTHER REPRESENTATION OF THE USG IN THIS MATTER. PLEASE NOTE, HOWEVER, THE STATEMENT IN THE RELEASE WHICH READS: "WHILE RESERVING THE RIGHT TO CONTINUE THE AMICABLE CLAIM WHICH I HAVE AT PRESENT AGAINST" THE USG. EMBASSY WOULD APPRECIATE ADVISE RELATING TO "AMICABLE CLAIM"

5. AS THE ABOVE DOCUMENT WAS NOTARIZED, AUTHENTICATED AND WITNESSED THE JUDICIAL CIRCUIT OF THE STATE OF ZULIA IS NOT REQUIRED TO APPROVE THE RELEASE. ACTION TAKEN IN RELEASE IS REGARDED AS FINAL AS CONCERNS LEGAL MATTERS.
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